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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SENECA INSURANCE COMPANY, INC.

12 Plaintiff,

12 | V.

14 ALPINE INSURANCE ASSOCIATES, INC.
and DOES I-X, inclusive.

15 Defendants.

CASE NO: 3:18-cv-00087-MMD-CSD

THIRD AMENDED
STIPULATED DISCOVERY
PLAN AND SCHEDULING
ORDER

Pursuant to Fed. R. Civ. P. 26(f), U.S. District Court of Nevada Rules (“Local Rule”) IA 6-1, IA 6-2, and 26-3, Plaintiff, in the above-captioned action, SENECA INSURANCE COMPANY, INC. (“SENECA” or “PLAINTIFF”), by and through its counsel of record, Kenneth R. Maguire, Esq. of the law firm of Ken Maguire & Associates, PLLC, and Richard I. Dreitzer, Esq. of the law firm of Fennemore Craig, P.C., and Defendant, in the above-captioned action, ALPINE INSURANCE ASSOCIATES, INC., by and through its counsel of record, Stephen C. Balkenbush, Esq. and Katherine F. Parks, Esq. of the law firm of Thorndal Armstrong Delk Balkenbush & Eisinger, hereby submit the following [Proposed] Third Amended Scheduling Order Pursuant to Local Rule 26-3 to extend the deadlines for the completion of discovery in this matter, the submission of dispositive motions and the Joint Pretrial Order.

Currently, there are four (4) dates that are operative in this matter, which the Court has previously approved in ECF No. 52.

3 | These are:

- 4 a. Deadline for completion of discovery: April 11, 2022

5 b. Dates for completion of expert testimony:

6 i. Expert witness disclosure: February 14, 2022

7 ii. Rebuttal expert disclosure: March 14, 2022

8 c. Deadline for filing dispositive motions: May 11, 2022

9 d. Pretrial order deadline: June 13, 2022

This request is submitted at least twenty-one days or more for three of the four deadlines specified above. For the expert witness disclosure deadline where this is not the case, the parties can represent to the Court that Mr. Balkenbush was ill nearly the entire month of January, 2022. As a result of Mr. Balkenbush's illness, the parties needed to reschedule the depositions of Ryan Garaventa, Glen Gonfiantini, and Alpine Insurance's person most knowledgeable. The parties are working diligently to reschedule these depositions, however, this will not be possible to do before the February 14, 2022 expert disclosure deadline.

17 Additionally, on February 3, 2022, Mr. Dreitzer had a five-week firm-trial date set to
18 begin on March 28, 2022 in the Eighth Judicial District Court Department XXVII.
19 Unfortunately, this firm-trial setting has further complicated the parties' efforts to reschedule
20 these depositions. For these reasons, the parties will not be able to complete discovery in the
21 timeframe laid out in ECF No. 52. The parties respectfully request an additional ninety (90)
22 days to complete the remaining discovery as detailed in the proposed discovery plan below.
23 The requested extension is sought in good faith and not for purposes of undue delay.

DISCOVERY COMPLETED TO DATE

25 The parties have exchanged initial disclosures pursuant to FRCP 26(a)(1). Plaintiff
26 served its Initial Disclosures on December 11, 2020. Defendant served its Initial Disclosures on
27 January 20, 2021. Plaintiff propounded and served its First Set of Interrogatories and Requests

1 for Production of Documents on December 11, 2020. Defendant propounded and served its
2 Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents
3 on February 5, 2021.

4 Plaintiff then propounded and served its Second Set of Requests for Production of
5 Documents on February 5, 2021. On May 3, 2021, Defendant propounded and served its
6 responses to Plaintiff's Second Request for Production of Documents. On November 30, 2021,
7 Defendant propounded and served its Supplemental Responses to Plaintiff's Second Request for
8 Production of Documents. On October 26, 2021, Plaintiff propounded and served its Notice of
9 FRCP 30(b)(6) Deposition on Defendant's person most knowledgeable. On November 10,
10 2021, Plaintiff deposed Defendant's person most knowledgeable. While this deposition covered
11 most of the topics set forth within Plaintiff's Notice, Plaintiff may need to depose another
12 person most knowledgeable. Following up on these developments, on January 14, 2022,
13 Plaintiff propounded and served its Notice of FRCP 30(b)(6) Deposition on Defendant's person
14 most knowledgeable, Ryan Garaventa, and Glen Gonfiantini. However, these depositions were
15 canceled as a result of Mr. Balkenbush's illness.

16 **DISCOVERY THAT REMAINS TO BE COMPLETED**

17 Plaintiff may need to depose a new person most knowledgeable regarding the remaining
18 issues from the November 10, 2021 deposition and the additional percipient witnesses set forth
19 above. Defendant reserves the right to complete its discovery within the timelines outlined in
20 this stipulation. Finally, the parties still need to take these depositions as well as disclose and
21 depose expert witnesses.

22 **REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

23 Additional time is needed (1) for the parties to reschedule and complete the depositions
24 previously scheduled for February 7, 2022 and February 8, 2022, (2) retain and prepare expert
25 reports, and (3) engage in expert depositions. Absent any additional unforeseen circumstances,
26 the parties believe the necessary tasks identified herein can be accomplished by the requested
27 extended deadlines. Good cause exists to extend all deadlines in order to permit the parties to

1 achieve their respective, discovery goals and in consideration of these unforeseen circumstances
2 that have impacted the parties' ability to depose necessary witnesses.

3 **PROPOSED REVISED DISCOVERY PLAN**

4 1. Discovery Cut-Off Deadline

5 The discovery cut-off deadline shall be extended from April 11, 2022 to **July 11, 2022**.

6 2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)

7 Disclosures identifying initial experts shall be made not later than **May 16, 2022**.

8 Disclosures identifying rebuttal experts shall be made not later than **June 15, 2022**.

9 3. Deadline For Amending Pleadings

10 CLOSED.

11 4. Dispositive Motions Deadline

12 The parties shall file dispositive motions thirty (30) days after the extended discovery
13 cut-off deadline of July 11, 2022, and therefore, not later than **August 10, 2022**.

14 5. Joint Pretrial Order Deadline

15 If no dispositive motions are filed, and unless otherwise ordered by this Court, the
16 Joint Pretrial Order shall be filed thirty (30) days after the extended date set for filing
17 dispositive motions of August 10, 2022, and therefore, not later than **September 9, 2022**. In
18 the event that dispositive motions are filed, the date for the Joint Pretrial Order shall be
19 suspended until thirty (30) days after the Court enters a ruling on the dispositive motions or
20 otherwise by further order of the Court.

21 6. Extensions or Modifications of the Discovery Plan and Scheduling Order

22 In accordance with Local Rule 26-3, any stipulation or motion for modification or
23 extension of this discovery plan and scheduling order must be made at least twenty-one (21) days
24 prior to the expiration of the subject deadline, absent a showing of good cause.

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1 Accordingly, the parties stipulate, subject to approval of this Court, to the following
 2 proposed deadlines and respective discovery plans set forth by each party, above:

| 3 Event | 4 Current Deadline | 5 Revised Deadline |
|---|---------------------|-----------------------------|
| 4 Discovery Cut-Off | 5 April 11, 2022 | 6 July 11, 2022 |
| 5 Initial Expert Disclosure | 6 February 14, 2022 | 7 May 16, 2022 |
| 6 Rebuttal Expert Disclosure | 7 March 14, 2022 | 8 June 15, 2022 |
| 7 Deadline for Filing Dispositive Motions | 8 May 11, 2022 | 9 August 10, 2022 |
| 8 Pretrial Order Deadline: | 9 June 13, 2022 | 10 September 9, 2022 |

9 **IT IS SO STIPULATED.**

10 DATED: February 14, 2022.

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18 By: /s/ Richard I. Dreitzer
 19 Attorneys for Plaintiff, Seneca Insurance
 Company, Inc.

21 DATED: February 14, 2022.

22 THORNDAL ARMSTRONG DELK
 BALKENBUSH & EISINGER

23 By: /s/ Stephen C. Balkenbush
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 26 Associations, Inc.

1 There shall be no further extensions granted barring unforeseen and extenuating circumstances.
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IT IS SO ORDERED.

4 Dated: February 14, 2022
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7 CRAIG S. DENNEY
8 UNITED STATES MAGISTRATE JUDGE
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